

SANTA MONICA BAY RESTORATION COMMISSION
MINUTES OF THE MEETING OF THE GOVERNING BOARD

August 16th, 2012

Del Rey Yacht Club

Welcome and Introductions

At 9:40 a.m. Richard Bloom called the meeting to order. Introductions followed.

1. Public Comment

Marcia Hanscom representing Sierra Club, Ballona Institute, and Wetlands Defense Fund thanked for the extension of 90 days for scoping comments for the Ballona Wetlands restoration. Hanscom also spoke about a species of special concern discovered at the Malibu Lagoon.

Charlie Saylen from the Ocean Conservation Society presented a brochure to the governing board (GB) with guidelines about approaching animals at sea.

Roy Van de Hoek from the Ballona Institute spoke about historical roles of regulatory versus management agencies in relation to endangered wildlife.

Kathy Knight from Sierra Club Airport Marina Group spoke about her agency passing a resolution to support an NOI process that started in 2005, not the new one that is being proposed for Ballona. Knight also said they support a public hearing on the NOI.

Patricia McPherson representing Grassroots Coalition spoke about broken contractual obligations by the Commission in regards to the EIR/EIS process from 2005 for the Ballona region.

John Davis spoke about the Commission applying to the federal grant itself.

Melina Watts from the Santa Monica Mountains Watershed Council spoke about repairs of undercut road Highway 27 in Topanga Canyon, and cited the repairs, dangers to humans, and damage to fish habitat. Watts urged the Commission to work with Caltrans to move this project to top priority in Caltrans list.

2. Informational Items

a) Order of Agenda

Order of the agenda was not changed.

b) Reports from the Chair and Executive Committee (EC)

Fran Diamond reported about the last EC meeting. Diamond said Shelley Luce updated the committee on Ballona restoration CEQA and NEPA process, and LA County's Water Quality Funding Initiative. Diamond also reported about environmental and other impacts at Topanga Narrows.

c) Report from the Technical Advisory Committee (TAC)

Richard Ambrose reported that MRAC met and said it is putting together a document about the value of intertidal habitats and coastal wetlands to be later distributed to agencies with interest in those areas. Ambrose said the focus in the past has been subtidal habitats and its value to fish and birds.

d) Reports from the Executive Director (ED) and Staff

Luce provided an update on the Malibu Lagoon project and said the project is going very well. Luce said the channels are being graded to improve water circulation and to help with oxygen issues. Luce also reported on a hearing at the California Coastal Commission to revoke the permit at the Malibu Lagoon and that the request was denied. Luce reported that the completion date for the project is December 2012.

Luce also reported about Ballona Wetlands, stating that we are in the scoping period to obtain information on any issues and areas that agencies and the public would want addressed in the environmental review. Luce said experts working on the environmental review will be present at the scoping meeting on 8/16/12 to answer any questions.

Luce also reported that the EC discussed the Topanga Canyon issue and that staff would like to work with Caltrans to bring the hazard issues to top priority and to direct funding for a solution that is sustainable and safe. Luce said staff will present a formal request to Caltrans and if future action is needed it would be brought to the GB for consideration.

Luce announced Laurie Newman as the new president of the Santa Monica Bay Restoration Foundation. Katherine Tyrell spoke about the history and efficiency of the Foundation. GB members recognized Katherine Tyrell for her service as president of the Foundation for years.

Public Comment

John Davis said that the SMBRF is a private business. Davis also spoke about a NEPA process that started in 2005 and said it is a joint EIS/EIR process and that the Commission's environmental impact report is needed in that document. Davis also spoke about the Malibu Lagoon and said that the manual for State Parks requires that the general plan for the Park is the same as an EIR and that State Parks commission's job is to hold hearings on the draft EIR, and said the Malibu project is therefore void.

3. Governing Board Business Items

a) Consideration of Approval of June 21, 2012 Meeting Minutes

The minutes were approved without changes (M: Washburn, S: Tam)

b) Discussion of Future Bond Funding Allocation Priorities

Luce gave a summary of bond projects previously recommended by the Governing Board for funding. Luce gave a breakdown of the projects awarded and said \$36.5 million was for water quality improvement projects, \$14.5 for habitat restoration, and nearly \$1 million for public outreach and education, totaling \$52.9 million since 1993. Luce then presented planning and conceptual projects where bond monies could be recommended in the future, totaling \$19.9 million. Luce asked for input from the GB on projects to fulfill the SMBRF's mission. Luce stated that the projects listed were only for discussion and to give the GB some ideas on projects.

Dennis Washburn added that some bond money for projects are strategic in nature and serve as seed money that would initiate large partnership funding. Randal Orton asked how fast projects are put to work, the timeframe. Marvin Sachse asked for clarification of who owns the bond money. John Sibert cautioned about the presentation of future projects and his reading of it as an appraisal by staff with feedback from the EC; Sibert added that two projects were outstanding, the re-use of Rindge Dam materials to replenish beaches and the LA Metro Line LID infiltration project. Washburn asked what funding opportunities might be available for CA infrastructure Prop 1A, B, C, D, and E, which contain environmental mitigation funds. Schuchat added that bond funds have deadlines that can be re-authorized.

Public Comment

Patricia McPherson asked why the Watershed Advisory Council (WAC) not asked to provide input into any bond funding. Luce answered that at the last meeting of the WAC the project funding priority question was asked.

Davis said that since the inception, the Bay Watershed Council's role was to advise the funding priorities and not the GB.

Further GB discussion on the agenda item: Sibert inquired about projects not on the list. Luce said that though a project did not show on the document presented today that it did not mean it was not being considered. Mike Gin spoke about fire station retrofitting as being important LID and recommended partnering with LA County Fire Department but mentioned that there are multiple independent agencies. He said he would like to see pilot station retrofit funding being considered.

Schuchat said that there are a couple of areas on the potential future projects that State Coastal Conservancy might be interested in, one being climate change adaptation and second, natural sediment supply, and that when the time is right there can be talks with SCC. Washburn spoke about developing relationships with universities and colleges, such as with LMU, UCLA, and USC to better manage resources affecting the Santa Monica Bay. Diamond spoke about climate change adaptation and recommended a GB presentation to see what kind of projects and timeframes we are talking about.

c) Consideration of Approval Memorandum of Agreement (MOA) between the SMBRC and the Santa Monica Bay Restoration Foundation

Scott Valor presented a Memorandum of Agreement (MOA) between the SMBRC and the Santa Monica Bay Restoration Foundation for discussion and adoption. Valor said the MOA is an effort by these two partners in the Santa Monica Bay National Estuary Program to clearly explain how they work together to maintain a healthy Santa Monica Bay Watershed. Valor said the MOA intended to explain the structure, roles, and responsibilities of the SMBRC and SMBRF. Valor said staff will invite questions to generate a “Frequently Asked Questions” (FAQ) document as well. Valor said questions that are not addressed by the MOA can be answered in the FAQ.

Public Comment

Patricia McPherson asked about the legality of the MOA. McPherson asked who were the Foundation members on the GB, and stated that there are no models of this sort.

Davis said the Foundation is a business no different to McDonalds, and called the partnership of the agencies institutionalized fraud.

Kathy Knight expressed concern about transparency and asked also which Foundation members are part of the GB.

Liz Crosson expressed gratitude for the MOA document provided by staff.

Washburn expressed strong support for the adoption of the MOA.

The MOA was adopted unanimously. (M: Washburn; S: Schuchat)

d) Discussion and Presentation on the Los Angeles County Water Quality Funding Initiative

Luce introduced Phil Doudar from the County of Los Angeles. Doudar presented on the County of Los Angeles leading effort to implement a fee on parcels in the County to fund storm water pollution prevention. Doudar, of the County Public Works Watershed Management Division, presented the details of this measure to the Governing Board at the meeting. The County Board of Supervisors approved the Department of Public Works recommendation to proceed with a Prop 218 hearing, scheduled for November 27, 2012. If there is no majority protest, the Board can then schedule the measure for election. Doudar stated that, if passed by the voters, the measure will provide dedicated funds to cities and regional groups to implement water quality projects and programs. The program elements encourage the implementation of multi benefit projects that would provide for improved public health, protect local sources of drinking water from contamination, and clean up storm water in a collaborative approach. The program, which is expected to raise about \$270,000,000 in annual revenue, will have strict guidelines, requires annual audits, and includes an independent Oversight Board. The measure has support among local municipalities, councils of governments, environmental groups, and other stakeholders.

GB discussion:

Nissman spoke about old regulations and the complexity of working with 88 cities, schools, etc. to improve water quality. Nissman said it is a massive undertaking, which Gary Hilderbrand agreed with. Hilderbrand spoke about much needed work to be done, specially educating constituents and said he is looking forward to assistance on these education efforts from GB members. Schuchat said the measure is similar in structure to the Santa Clara Valley’s, which is based on parcel size and impervious surface. Schuchat asked if tax deductions were available for LIDs. Doudar said there will be incentives for parcels that implement LIDs. Doudar said that LIDs need to be maintained and functioning. Catherine Tyrell asked GB members to get behind the County’s efforts on this initiative.

Public Comment:

McPherson said the public is cut out of the process.

Davis said this is a wonderful process and that the public does have a say. Davies commended the oversight of funding in place for this initiative.

e) Member Comment—Governing Board members may wish to comment on issues not otherwise on the agenda

Sibert announced a beach cleanup on Sept 15th. Sibert announced the “Last Call of the Oasis” documentary at Legacy Park in September. Sibert also announced a beach ecology workshop. Sikich announced the creation of a Fisher’s Management

Plan in collaboration with the Foundation. Crosson announced the celebration of the 40th anniversary on Clean Water Act on October 8th at City Hall. Suzanne Goode gave a brief update on the Malibu Lagoon project and mentioned that the dewatering process is occurring as is the water quality testing, and that the project is on schedule. Goode said the water quality testing is above and beyond the requirements. Goode also reported that the grading process is occurring. Finally, Goode said the delivery of the first plants is starting. Goode said there are various spots to see the Malibu Lagoon project. Angus Alexander provided statistics by the LA County Fire Dept on ocean attendance and rescues over a two-day period. Washburn asked to agendaize the Topanga Narrows issue. Schuchat said SCC is writing its strategic plan for the next five years and invited members to take a look at the draft online. Nissman asked about the Rindge Dam status. Goode replied that the Rindge Dam feasibility study is back on track and that funding is now in place. Goode said the EIR/EIS is expected by December 13th, and that sediment management strategies are being looked into.

f) Announcement of Next Meeting Date

The next Governing Board meeting will be held on October 18th at 9:30 am.

Adjournment

Meeting adjourned at 11:57 a.m.

Attendance

Voting Members of the Governing Board:

Angus Alexander, LA County Fire Department, Lifeguard Division
Richard Bloom, SMBRC Chair (City of Santa Monica)
Dayna Bochco, California Coastal Commission
Grace Chan, LA County Sanitation District
Liz Crosson, Public Member (Environmental/Public Interest), Los Angeles Waterkeeper
Fran Diamond, California Regional Water Quality Control Board, Los Angeles
Mike Gin, South Bay Cities (City of Redondo Beach, Mayor)
Suzanne Goode, California Department of Parks and Recreation
Gary Hilderbrand, L A County Department of Public Works (for Gayle Farber)
John Kelly (alternate), LA County Dept of Beaches and Harbors
Michael Mullin (alternate), Office of the Mayor, City of Los Angeles
Susan Nissman (alternate to Zev Yaroslavsky), LA County Board of Supervisors (Supervisor, 3rd District)
Sam Schuchat, California State Coastal Conservancy
John Sibert, Malibu Watershed Cities (City of Malibu)
Marvin Sachse, Public Member (Business/Economic Interest), Brash Industries
Sarah Sikich, Public Member (Environmental/Public Interest), Heal The Bay
Rorie Skei (alternate), Santa Monica Mountains Conservancy
Ron Smith, At-Large Member West Basin MWD
Fran Spivy-Weber (alternate), California Environmental Protection Agency
Dennis Washburn, At-Large Member BWC (RCD, Santa Monica Mountains Region)
Wing Tam (alternate to Enrique Zaldivar), LA City Sanitation

Non-Voting Members of the Governing Board:

Richard Ambrose, TAC chair
Bobbi Buescher, for Betsy Butler, State Assemblymember, 53rd District
Charles Caspary, Las Virgenes Municipal Water District
Laurie Newman, Santa Monica Bay Restoration Foundation
Louise Rishoff, for Julia Brownley, State Assemblymember, 41st District
Rebekah Rodirugez-Lynn, for Fran Pavley, California State Senator, 23rd District
Jennifer Zivkovic, for Ted Lieu, State Senator, 28th District

Commission Staff:

Shelley Luce
Tom Ford
Lia Protopapadakis
Scott Valor
Marcelo Villagomez
Guangyu Wang

Other Attendees, including other Bay Watershed Council Members:

Jeff Duclos, City of Hermosa Beach, Mayor

Maddalena Bearzi, Ocean Conservation Society

Joe Geever, Surfrider Foundation

Marcia Hanscom, Sierra Club/Wetlands Defense Fund/Ballona Institute

Kathy Knight, Sierra Club Airport Marina Group

Patricia McPherson, Grassroots Coalition/ Sierra Club

Randal Orton, LVMWD

Michael Quill, LA Waterkeeper

Robert Roy Van de Hoek, Ballona Institute

Charlie Saylen, Ocean Conservation Society

Catherine Tyrell, Santa Monica Bay Restoration Foundation

David Warren

Melina Watts, RCDSMWC